



U.S. OFFICE OF SPECIAL COUNSEL  
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October 7, 2019

Mr. Max Primorac  
Special Representative for Minority  
Assistance Programs  
U.S. Agency for International Development

VIA EMAIL: *mprimorac@usaid.gov*

Re: OSC File No. HA-19-004591

Dear Mr. Primorac:

This letter is in response to a complaint the U.S. Office of Special Counsel (OSC) received alleging that you, as Special Representative for Minority Assistance Programs at the U.S. Agency for International Development (USAID), violated the Hatch Act during a July 17, 2019 conference hosted by the U.S. Department of State. We reviewed this allegation, and as explained below, concluded that you did not violate the Hatch Act. Accordingly, we are closing our file without further action.

The Hatch Act restricts certain political activities of federal executive branch employees and prohibits them from, among other things, using their official authority or influence for the purpose of interfering with or affecting the result of an election.<sup>1</sup> This prohibition includes, for example, using one's official title while engaging in political activity or otherwise participating in political activity while in one's official capacity.<sup>2</sup> The Hatch Act also prohibits employees from engaging in political activity while on duty or in a federal room or building.<sup>3</sup> Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.<sup>4</sup>

At issue here are comments you made when you participated in a panel discussion on "First Year of the Genocide Recovery and Persecution Response Program: Partner Perspective from the Field." An audience member asked what would happen to U.S. involvement in Iraq if President Trump loses the 2020 election. You responded by noting a bipartisan bill in support of religious minorities in Iraq and then added, "President Trump will win again, but I'm very confident that this is now an American project."

You responded to a political question about the outcome of the 2020 presidential election. And your response made it clear that you did not believe the results of the election would

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<sup>1</sup> 5 U.S.C. § 7323(a)(1).

<sup>2</sup> See 5 C.F.R. § 734.302(b).

<sup>3</sup> 5 U.S.C. § 7324(a).

<sup>4</sup> 5 C.F.R. § 734.101.

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negatively impact the U.S.'s support for religious freedom in Iraq. You did not say or suggest that President Trump must be reelected for it to continue; indeed, you noted a bipartisan bill and said it is "an American project," dissociating its continuation from President Trump's electoral success. Considering this response, the fact that you also expressed your own belief that President Trump would be reelected is not enough for OSC to conclude that you engaged in activity directed at his electoral success. Therefore, even though you participated in the event in your official capacity as a USAID employee, you did not engage in prohibited political activity in violation the Hatch Act. Accordingly, we are closing our file without further action.

You may contact me at (202) 804-7054 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Erica S. Hamrick". The signature is written in a cursive style with a large initial "E".

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit